

Reducing Toxic Threats

November 2008



On April 1, 2008, Washington Governor Christine Gregoire signed into law House Bill 2647, the Children's Safe Products Act (CSPA). Popularly known as the "Toxic Toy" bill, the statute aims to protect youngsters from a wide range of products marketed for use by children. It is one of the most forward-thinking such laws in the nation.

In remarks made when she signed the bill, Governor Gregoire expressed the hope that the state's leadership on children's products would spur much-needed protection at the national level.

The Federal Consumer Product Safety Improvement Act

Five months later, in August 2008, President Bush signed into law the Consumer Product Safety Improvement Act. Like the CSPA, the federal law sets maximum levels of lead, cadmium and phthalates in children's products, although the standards are less strict than Washington State's. Governor Gregoire applauded the federal move, recognizing that even though "the requirements in the federal bill are not as strong as those set by Washington State, they will significantly improve the safety of our children's toys. I am glad our work in Washington State is helping move the country forward."



The federal law takes precedence over the CSPA. An effort by Washington to be exempt from the federal standards would require legal action. Washington officials believe that such a challenge would involve a long, costly, and uncertain legal dispute with only minor improvements in children's product safety. Therefore, Ecology has decided not to seek an exemption and to push forward with the remaining important parts of Washington's CSPA.

Moving Ahead with the Children's Safe Product Act

Washington will move ahead with the CSPA, which does the following:

- Directs Ecology to present a report to the Legislature in January 2009 describing how aspects of the new law will be carried out by the state. This report is required by the legislation, and when she signed the CSPA, Governor Gregoire called for the report to be completed before any additional rulemaking.
- Directs the Washington departments of Ecology and Health to identify a list of high priority chemicals that are of high concern for children.
- Requires manufacturers of children's products to tell the state if their products contain any of the substances on that list.

- Requires Ecology to issue rules for identifying the chemicals of high concern for children, as well as the reporting system. This rule making will start in the summer of 2009.
- Charges the Department of Health with developing new information about chemicals in children's products.

In addition, Ecology had been working on a regulation to clarify that internal electronic components in children's products are not covered by the CSPA. The new federal law makes this step unnecessary.

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